

Docket: 80050 US01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of:

Stuart et al.

Serial No.: 10/706,454

Group Art Unit: 1755

Filed: November 12, 2003

Examiner: Szekely, Peter

For: MODIFIED ASPHALT COMPOSITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

LETTER TRANSMITTING TERMINAL DISCLAIMER

Submitted herewith is a Terminal Disclaimer. Please Charge \$130.00 to Deposit Account No. 05-0221 in the name of Eastman Chemical Company. The Commissioner is hereby authorized to charge any additional fees which may be required by this paper or credit any overpayment to Deposit Account No. 05-0221. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Eastman Chemical Company
P.O. Box 511
Kingsport, Tennessee 37662
Phone: (423) 229-6204
FAX: (423) 229-1239

Polly C. Owen
Polly C. Owen
Registration No. 44,991

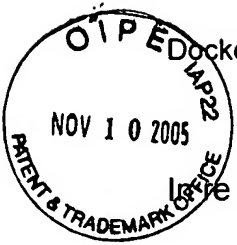
November 7th, 2005
Date

CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

I hereby certify that this paper (along with any paper(s) referred to as being attached or enclosed) is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jodi L. Owenby
Jodi L. Owenby

November 7, 2005
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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Eastman Chemical Company, a corporation organized and existing under the laws of the State of Delaware, United States of America, having a place of business at Kingsport, Tennessee, the owner of the entire right, title and interest in the present application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to its grant,

☒ of any patent granted on pending second Application Number 10/706,522, filed on 11/12/2003.

☐ of prior Patent No. _____.

The owner hereby agrees that any patent so granted on the present application shall be enforceable only for and during such period that it and

☒ any patent granted on the second Application

☐ the prior Patent

are commonly owned. This agreement runs with any patent granted on the present application and is binding upon the grantee, its successors or assigns.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the present application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173

- ☒ of any patent granted on the second Application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that such granted patent:
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The undersigned is an attorney of record.

The terminal disclaimer fee under 37 CFR 1.20(d) is included.

Respectfully submitted,



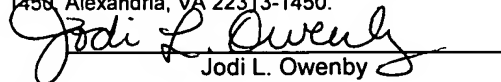
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Jodi L. Owenby

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